

REMARKS

Formal drawings are submitted herewith under separate Letter to the Official Draftsperson. No other changes have been made. Approval by the Examiner of these drawings is respectfully requested.

The Examiner in the Official Action has rejected claims 1-36.

The Examiner has rejected claims 1-23 as being drawn to non-statutory subject matter for the reasons set forth therein. In particular, the Examiner is arguing that the claims are not directed to technological arts under the Toma test. In this regard, independent claims 1 and 15 have been amended to particularly point out that a computer database is involved in maintaining records and these records are accessed for determining the providing of appropriate goods and/or services to be provided with respect to images captured by a selected camera. In particular, claim 1 sets forth entering product and photographic service plan account into a computer database to maintain a record of photographic products and photographic services to be provided with respect to images captured by the selected camera. Claim 1 as amended, also sets forth the automatically accessing the computer database when images are received from said camera and providing the associated goods and/or services associated with the selected product or service plan. Clearly, claim 1 is directed to technological arts in that there is required a computer database to maintain records regarding selections of cameras and goods and/or services to be provided. In addition, claim 1 specifically requires the accessing of the database when images are received from the selected camera and for providing associated goods and/or services.

Claim 15 has been amended in a manner similar to claim 1 in that there is maintained an account on a computer database of selected photographic products and/or services selected by the customer and are to be provided with respect to images received with regard to a selected camera. Claim 15 also requires the accessing of the database with respect to images provided by the selected camera and the providing of goods and/or services associated with the camera. Claim 18, as amended, also requires the maintaining of a record for services on a database and for accessing the database similar to that of independent claims 1 and 15. In view of the amendments, applicants respectfully

Amendments to the Drawings:

Replacement sheets for FIGS. 1-12 are enclosed which formalize the drawings that were submitted with the application. No other changes have been made. Formal drawings are submitted herewith under separate Letter to the Official Draftsperson. Approval by the Examiner is respectfully requested.

submits that independent claims 15 and 18 and their dependent claims are directed to technological arts and meet the requirements of 35 USC § 101.

The Examiner also rejected claims 15-23 under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In this regard, claims 15 and 18 have been amended to clearly set forth the selecting of a camera from a plurality of cameras a selecting of photographic products or services by a customer from a menu of photographic products and/or services. Thus, the customer is selecting both the camera and the menu of photographic products and/or services. Accordingly, it is respectfully submitted that the objection under 35 USC § 112, second paragraph, is no longer applicable.

The Examiner has rejected claims 1, 8, 11, 13-15, 24 and 36 under 35 USC § 103(a) as being unpatentable over Ricoh in view of Cameraworld. Applicant respectfully submits that the Ricoh reference does not teach or suggests the invention as taught and claimed by applicant. The Examiner sites Ricoh as evidence of selecting a camera and associating a service plan to create an on-line account. The Examiner refers to page 1, lines 5-6 and page 2, lines 2-4. First, the living album 99 is a software product associated with a camera which is used to allow access to a web site. There is no teaching or suggestion of setting up an account by a service provider with respect to goods and/or services to be received. The Ricoh reference merely allows someone to access the site where any number of actions may be provided by a customer by making appropriate selections. There is no predetermined account plan or service plan for providing goods and/or services. The goods and/or services are selected only after going to the Web site. It is true that Club Photo offers the ability of the users of the camera to share or reprint pictures, however, there is no teaching or suggestion of providing a menu of photographic products and/or service plans and entering such into an account that will automatically provide goods and/or services upon receiving images from a particular camera. The software provided is for use on a variety of different cameras. There is no association with a particular camera as taught and claimed by applicant. Quite the contrary, numerous people may purchase the camera with the associated software, all of which can be used to access the web site. The present invention is designed to automatically provide goods and/or services in accordance with a plan, upon receipt of images from a particular camera. Clearly,

this is not taught or suggested by Ricoh. There is no relationship between a camera and a particular service plan or account that is stored on a database. Accordingly, it is respectfully submitted that the Ricoh reference is of little relevance to the present invention. With the regard to the different Club memberships, these are just merely the ability to allow selected different services or products. However, these are not camera-specific as previously discussed, but are directed to anyone having the ability going to the site.

The Examiner sites Cameraworld for showing at the time of applicant's invention, the Internet that even that was being used to offer consumers and on-line camera catalog which allows the selection of cameras. However, the present invention is not directed solely to the purchasing of cameras, but the ability of purchasing a camera among a selection of cameras and selecting a photographic service plan from a menu of photographic products and service plans and entering this into a database and accessing the database when images are received for providing of the previously stored products in accordance with the previously stored service plan. Clearly, there is no teaching or suggestion either individually or in combination of the claimed invention.

Claims 2 and 3 depend upon independent claim 1 and are therefore patentably distinct for the same reasons previously discussed. The Frink reference does not add anything which would render applicant's independent claims obvious. Frink merely teaches providing photographic products or services. However, there is no association of the photographic service plan and/or camera as taught and claimed by applicant. Frink is directed to a short term rental and as such there is no teaching, suggestion or reason why there would be providing a database for storing of the goods and/or services to be provided as taught and claimed by applicant, nor for accessing the database as taught and claimed by applicant. The Examiner states that one skilled in the art of renting the equipment would recognize that greater organization and information access could be gained by electronically storing transaction information. However, Frink is not directed to the situation where particular goods and/or services are associated with a particular camera. The Frink reference is directed simply to the providing of cameras and rental equipment. The services of daily E-6 processing is simply the developing of film. Typically when film is developed this is when the customer provides what particular services are to be provided with the images

captured. There is no teaching or suggestion setting up an account on a computer database for providing of goods and/or services with respect to images captured by a camera. The fact that these rentals are for short time period rentals clearly indicates that this would not be the case. Further, there is no indication that this is not any different than any other type of situation where users simply order particular goods and/or services at the time of supplying of the exposed film. The promotion of Frink is directed to enticing people to use the rental services. It does not teach or suggest the providing of service plans and or product plans with respect to images captured by a particular camera as taught and claimed by applicant. Nor does Frink teach providing of this information on a database for later accessing so that the appropriate goods and/or services are to be provided. Quite the contrary, it appears that Frink is directed to nothing more than short term rentals of cameras whereby the customer can at some later point select the appropriate goods and/or services to be provided.

The Promo article cited by the Examiner is simply as stated, a promotional to purchase an Olympus camera and receive free film developing. However, there is no teaching or suggestion of selecting by a customer various products or services from a menu of service plans nor the providing of the selected product or service plan on a database and providing such goods and/or services with respect to images obtained from a particular camera/capture device on behalf of a particular customer as taught and claimed by applicant.

It is respectfully submitted that independent claims 15, 18, 24, and 36 are patentably distinct for the same reasons previously discussed with regard to claim 1. These claims all require the providing and maintaining of an account on a database with respect to providing goods and/or services selected by a customer with regard to images captured by a specific camera and the accessing of the database in order to determine goods and/or services that are to be provided when images are received from the specified camera. It is respectfully submitted that the prior art does not teach the invention as taught and claimed by applicant.

Filed concurrently herewith is an extension of time for filing of this response. Accordingly, this response is timely filed.

In summary, applicants respectfully submits that the application in present form is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Frank Pincelli', written over a horizontal line.

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Enclosures: Letter to the Draftsperson
Copies of Formal Drawings

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.